

UNITED STATES DISTRICT COURT

for the  
District of Arizona

DOA: 10-25-17

10/15/17  
United States of America )

v. )

Jose Guadalupe Atondo-Renteria, )  
a.k.a.: Jose Gastido Atondo-Renteria, )  
a.k.a.: Jose A. Renteria, )  
a.k.a.: Jesus Manuel Fastito, )  
(A200 835 384)

Case No. 17-491MS

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of August 27, 2015, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:


Jose Guadalupe Atondo-Renteria, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Nogales, Arizona, on or about February 15, 2015, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1). I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

**See Attached Statement of Probable Cause Incorporated By Reference Herein**

REVIEWED BY: AUSA Cassie Bray Woo for SAUSA Brett Day


☒ Continued on the attached sheet.

  
Complainant's signature

Richard G. Prunty,  
Deportation Officer  
Printed name and title

Sworn to before me and signed in my presence.

Date: October 26, 2017

  
Judge's signature

City and state: Phoenix, Arizona

Michelle H. Burns,  
United States Magistrate Judge  
Printed name and title

### **STATEMENT OF PROBABLE CAUSE**

I, Richard G. Prunty, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On August 27, 2015, Jose Guadalupe Atondo-Renteria was booked into the Maricopa County Jail (MCJ) intake facility by the Mesa Police Department on local charges. While incarcerated at the MCJ, Atondo-Renteria was examined by ICE Agent J. Aguirre who determined him to be a Mexican citizen, illegally present in the United States. On the same date, an immigration detainer was lodged with the MCJ. On October 25, 2017, Atondo-Renteria was released from the Arizona Department of Corrections and transported to the Phoenix ICE office for further investigation and processing. Atondo-Renteria was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.
3. Immigration history checks revealed Jose Guadalupe Atondo-Renteria to be a citizen of Mexico and a previously deported criminal alien. Atondo-Renteria was removed from the United States to Mexico through Nogales, Arizona, on or about February 15,

2015, pursuant to the reinstatement of an order of removal issued by an immigration judge. There is no record of Atondo-Renteria in any Department of Homeland Security database to suggest that he obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his removal. Atondo-Renteria's immigration history was matched to him by electronic fingerprint comparison.

4. Criminal history checks revealed that Jose Guadalupe Atondo-Renteria was convicted of Attempted Possession of Marijuana for Sale, a felony offense, on December 20, 2013, in the Superior Court of Arizona, Pinal County. Atondo-Renteria was sentenced to two and one half (2.5) years' incarceration. Atondo-Renteria's criminal history was matched to him by electronic fingerprint comparison.
5. On October 25, 2017, Jose Guadalupe Atondo-Renteria was advised of his constitutional rights. Atondo-Renteria freely and willingly acknowledged his rights and declined to make any further statements.
6. For these reasons, this affiant submits that there is probable cause to believe that on or about August 27, 2015, Jose Guadalupe Atondo-Renteria, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Nogales, Arizona, on or about February 15, 2015, and not having

obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1).



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Richard G. Prunty,  
Deportation Officer,  
Immigration and Customs Enforcement

Sworn to and subscribed before me  
this 26<sup>th</sup> day of October, 2017.



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Michelle H. Burns,  
United States Magistrate Judge